

## JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our respective residences, post office addresses and citizenships are as stated below next to each name;

We believe that we are the original and sole inventors of the subject matter which is claimed and for which a patent is sought the invention entitled **THROUGH BOND ENERGY TRANSFER IN FLUORESCENT DYES FOR LABELLING BIOLOGICAL MOLECULES** the specification of which:

[ ] is attached hereto.

[ X ] was filed on December 14, 1999, as United States Application Serial Number 09/460,718 and, if applicable, was amended on \_\_\_\_\_.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

## Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application in which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)

## Prior Provisional Application(s)

We hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application Serial Number	Date of Filing (day, month, year)
60/112,711	December 18, 1998

## Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Roger L. Tate, Registration No. 27,399; Scott F. Partridge, Registration No. 28,142; Jerry Mills, Registration No. 23,005; James Remenick, Registration No. 36,902; Robert Neuner, Registration No. 24,316; James B. Arpin, Registration No. 33,470; Laurence H. Posorske, Registration No. 4,698; and Floyd B. Chapman, Registration No. 40,555; Robert A. King, Registration No. 42,738; Andrew D. Skale, Registration No. 44,338; Robert Troike, Registration No. 24,183; Jay M. Cantor, Registration No. 19,906; Lori D. Stiffler, Registration No. 36,939; and Jay B. Johnson, Registration No. 38,193.

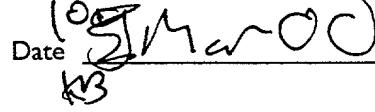
All correspondence and telephone communications should be addressed to James Remenick; Baker Botts, L.L.P., Suite 1300; The Warner; 1299 Pennsylvania Avenue, N.W.; Washington, D.C. 20004-2400, telephone number (202) 639-7700; which is also the address and telephone number of each of the above listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature



Date



KB

Full Name of  
First Inventor

BURGESS	Kevin
Family Name	First Given Name

Second Given Name

Residence

3104 Rolling Glen, Bryan, Texas 77807

Citizenship

United States of America

Post Office  
Address

Same as above

Signature

Date

Full Name of  
First Inventor

GIBBS	Richard
Family Name	First Given Name

Second Given Name

Residence

3602 Gramercy, Houston, Texas 77025

Citizenship

United States of America

Post Office  
Address

Same as above

BAKER BOTTS, L.L.P.  
The Warner  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400  
(202) 639-7700

And we hereby appoint, both jointly and severally, our attorneys with full power of substitution and revocation, to prosecute this application to transact all business in the Patent and Trademark Office connected herewith the following attorney, their registration numbers being listed after their names:

Rodger L. Tate, Registration No. 27,399; Scott F. Partridge, Registration No. 28,142; Jerry Mills, Registration No. 23,005; James Remenick, Registration No. 36,902; Robert Neuner, Registration No. 24,316; James B. Arpin, Registration No. 33,470; Laurence H. Posorske, Registration No. 698; and Floyd B. Chapman, Registration No. 40,555; Robert A. King, Registration No. 42,738; Andrew D. Skale, Registration No. 44,338; Robert Troike, Registration No. 24,183; Jay M. Cantor, Registration No. 19,906; Lori D. Stiffler, Registration No. 36,939; and Jay B. Johnson, Registration No. 38,193.

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signature \_\_\_\_\_ Date \_\_\_\_\_

I Name of  
st Inventor

BURGESS Kevin  
Family Name First Given Name

Second Given Name

idence \_\_\_\_\_

3104 Rolling Glen, Bryan, Texas 77807

citizenship \_\_\_\_\_

United States of America

st Office  
dress

Same as above



Date

March 27, 2000

signature \_\_\_\_\_

II Name of  
st Inventor

GIBBS Richard  
Family Name First Given Name

Second Given Name

esidence \_\_\_\_\_

3602 Gramercy, Houston, Texas 77025

citizenship \_\_\_\_\_

~~United States of America~~ Australia (R6)

st Office  
dress

Same as above

BAKER BOTTS, L.L.P.  
The Warner  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400  
(202) 639-7700

Atty Dkt. No. 17575.0340  
Inventor(s): Kevin BURGESS and Richard GIBBS  
Appl. No.: 09/460,718  
Filed: December 14, 1999  
Title: THROUGH BOND ENERGY TRANSFER IN FLUORESCENT DYES FOR LABELLING BIOLOGICAL MOLECULES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. § 1.9(f) and § 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION The Texas A&M University System  
ADDRESS OF ORGANIZATION College Station, Texas 77840

**TYPE OF ORGANIZATION**

UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
 TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. § 501(a) AND § 501(c)(3))  
 NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
 WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. § 501(a) AND § 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
 WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled THROUGH BOND ENERGY TRANSFER IN FLUORESCENT DYES FOR LABELLING BIOLOGICAL MOLECULES by inventors Kevin BURGESS and Richard GIBBS.

the Specification filed herewith,  
 Application No.09/460,718 filed December 14, 1999  
 Patent No. \_\_\_\_\_, issued \_\_\_\_\_

We hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each small entity individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor(s), who could not qualify as a small business concern under 37 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. § 1.27).

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this case, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

TITLE IN ORGANIZATION

ADDRESS OF PERSON SIGNING

SIGNATURE

Terry A. Young

Executive Director

The Texas A&M University System, College Station, Texas 77840

DATE 3/29/00

Baker Botts, L.L.P.  
The Warner, Suite 1300  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400

## ASSIGNMENT

WHEREAS, WE, Kevin BURGESS, residing at 3104 Rolling Glen, Bryan, Texas 77807, and Richard GIBBS, residing at 3602 Gramercy, Houston, Texas 77025, have invented certain new and useful improvements in and to the subject matter of:

### THROUGH BOND ENERGY TRANSFER IN FLUORESCENT DYES FOR LABELLING BIOLOGICAL MOLECULES

described in an application for United States Letters Patent filed on December 14, 1999, and accorded Application No. 09/460,718;

AND, WHEREAS, THE TEXAS A&M UNIVERSITY SYSTEM, a corporation organized under the laws of the State of Texas, located at 310 Wisenbaker, College Station, Texas 77840 (hereinafter "ASSIGNEE"), is desirous of acquiring certain rights thereunder;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration, receipt of which is hereby acknowledged, we do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, our entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said improvements, said United States application, any other United States applications, including provisional, divisional, renewal, substitute, continuation, reexamination and reissue applications, based in whole or in part on said United States application or in whole or in part on said improvements, any foreign applications, including international and regional applications, based in whole or in part on any of the aforesaid United States applications or in whole or in part on said improvements, and in and to any and all letters patent, including extensions thereof, of any country which have been or may be granted on any of the aforesaid applications or on said improvements or any parts thereof;

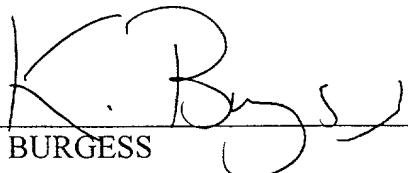
AND WE hereby agree for ourselves and our heirs, executors and administrators to execute without further consideration any further documents and instruments which may be necessary, lawful and proper in the prosecution of said above-referenced application or in the preparation or prosecution of any continuing, substitute, divisional, renewal, reexamination or reissue application or in any amendments, extensions or interference proceedings, or other applications for patents of any region or country, that may be necessary to secure to ASSIGNEE its interest and title in and to said improvements or any parts thereof, and in and to said several patents or any of them;

AND WE hereby covenant for ourselves and our legal representatives, and agree with said ASSIGNEE, its successors and assigns, that we have granted no right or license to make, use or sell said improvements, to anyone except said ASSIGNEE, that prior to the execution of this deed, our right, title and interest in said improvements had not been otherwise encumbered, and that we have not and will not execute any instrument in conflict therewith;

AND WE do hereby authorize and request the United States Commissioner of Patents and Trademarks to issue any and all letters patent which may be granted upon said United States applications, or upon said improvements or any parts thereof when granted, to said ASSIGNEE.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

10<sup>th</sup> Mar 00  
KB Date

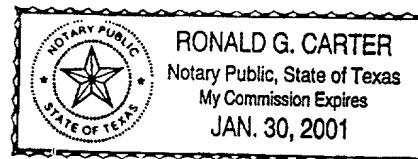
  
Kevin BURGESS

County of Brazos )  
State of Texas ) ss:

On this 10 day of March, 2000, before me a Notary Public in and for the County and State aforesaid, personally appeared Kevin Burgess, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

Ronald G. Carter  
Notary Public

My Commission Expires 1/30/01



WITNESS WHEREOF, we have hereunto set our hands and seals.

---

Date

Richard GIBBS

County of

)  
) SS:  
)

### State of

On this 27 day of March, 2000, before me a Notary Public in and for the County and State aforesaid, personally appeared Richard Gibbs, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

and deed.  
NICKOLE BYRD

---

Notary Public

(SEAL)

My Commission Expires 02-22-2004